



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 28 2010

**Benjamin L. Ginsberg
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037-1350**

**RE: MUR 6222
Romney for President, Inc. and Darrell Crate,
in his official capacity as treasurer**

Dear Mr. Ginsberg:

On November 10, 2009, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On April 09, 2010, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that Romney for President, Inc. and Darrell Crate, in his official capacity as treasurer, violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "J. McConnell".

**Julie K. McConnell
Assistant General Counsel**

**Enclosure
Factual and Legal Analysis**

10044264304

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Romney for President, Inc. and Darrell Crate,
in his official capacity as Treasurer

MUR: 6222

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Stacey L. Cargill alleging violations of the Federal Election Campaign Act of 1971 ("the Act"), as amended, by Romney for President, Inc. and Darrell Crate, in his official capacity as Treasurer.

II. FACTUAL AND LEGAL ANALYSIS

The complainant in this matter asserts her "belief" that the Iowa Christian Alliance ("ICA") and certain ICA officers violated the Act and the ICA's tax-exempt status by "working to influence" Christian conservatives to vote for Mitt Romney during the 2008 Iowa Presidential Caucuses. Complaint, p.1. In this vein, the complainant cites her "understanding" that the ICA received \$100,000 in contributions from "maxed out" contributors to the Mitt Romney campaign for "their" help during the caucuses, and that these contributions were received in four quarterly payments in 2008. *Id.*

As support, the complaint alleges that Gentry Collins, a former state director for Romney for President, stated in a June 1, 2008, phone conversation with the complainant that he had read an e-mail from Scheffler to "a Mitt Romney operative" that discussed a \$100,000 financial contribution to the ICA from "maxed out" Romney donors.

Complaint, p.2. In an affidavit attached to the Romney for President response, however, Collins avers that while he recalls speaking on the phone with the complainant while he

10044264305

was working for John McCain's general election campaign, he does not recall having the conversation the complainant claims, and is "unfamiliar with and unaware of the information she attributes to me in that Complaint." Attachment to Response of Romney for President.

An amendment to the complaint contains an article that "suggests" that David Kochel is the Mitt Romney operative who negotiated \$100,000 in contributions to the ICA. Complaint Amendment dated November 4, 2009, p. 1. In relevant part, the article states:

Jonny also got some inside information from David Kochel, who was a top aide to former (and future) presidential candidate, Mitt Romney. Hey Dave, didn't I just read a story about how Mitt Romney tried to buy off the Iowa Christian Alliance? I heard you helped facilitate that little scheme.

See Emily Geiger, *And the Most Irresponsible Journalist Award Goes to ... The Politico's Jonathan Martin*, available at <http://preview.tinyurl.com/ydt2kd7> (Oct. 30, 2009). The amendment to the complaint, however, does not identify, beyond mere speculation, the "Mitt Romney operative" to whom Scheffler allegedly sent the e-mail discussing the \$100,000 contribution. Based on the foregoing discussion, we conclude that the complainant has not provided specific credible information regarding the involvement of David Kochel in the alleged activity, or regarding what the respondents allegedly did "to influence Christian conservatives to vote for Mitt Romney." In addition, the complaint does not allege any violations of law with respect to Romney for President, Inc., and Darrell Crate, in his official capacity as Treasurer. Accordingly, there is no reason to believe Romney for President, Inc., and Darrell Crate, in his official capacity as Treasurer, violated the Act.

10044264306